

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN

UNITED STATES OF AMERICA,

Plaintiff,

v.

Criminal No. 4:19-cr-20112-4

Hon. Matthew F. Leitman
United States District Judge

D-4 DAMARIO HORNE-MCCULLOUGH,

Defendant.

**THE UNITED STATES OF AMERICA'S
SENTENCING MEMORANDUM**

Damario Horne-McCullough pleaded guilty to possessing a firearm in furtherance of a drug trafficking crime. That offense carries a mandatory minimum sentence of 60 months. That is also the guideline for this offense. The Court, therefore, must sentence Horne-McCullough to 60 months' imprisonment if it accepts the Rule 11 Agreement. It is also an appropriate sentence for this offense.

I. Horne-McCullough Committed a Serious Offense

Horne-McCullough's offense relates to his role in a multi-state drug conspiracy notable not for the amount of controlled substances distributed but rather by its persistence, length, and capitalization upon despair and addiction through the distribution of dangerous and potentially lethal controlled substances. The conspiracy may not have been sophisticated and enormously profitable, but it made

up for that with an amorality and disregard for the humanity of the customer base of drug addicts, many of whom were prostitutes.

Horne-McCullough took over the drug telephone used by the conspiracy when one of the Title III intercepts was underway when law enforcement arrested the normal user of the phone. (PSR ¶ 22). During that time, Horne-McCullough sold cocaine base to a confidential source. *Id.* Later information demonstrated that Horne-McCullough possessed an American Tactical .556 caliber OMNI Hybrid pistol while distributing cocaine base in late January 2019. (PSR ¶ 23).

This is not an offense of national scope, but the level of drug activity and destruction to the community brought on by this conspiracy is damaging nonetheless. The Ossington residence referred to on the intercepted calls was apparently well-known and despised in Flint for its drug activity. Flint has a wall that is normally painted to announce community or neighborhood events or other commemorations. In late December 2018, an unknown individual painted the wall referencing the Ossington address with the notation “kill your local heroin dealer.”¹

¹ The address is transposed and heroin may be misspelled. But given information from law enforcement and the prevalence of heroin trafficking at that address, it very much appears that it targeted heroin dealing at 831 Ossington.



Another co-defendant, Christopher Wilson, ordered a drug user to paint it over. The drug user painted it over the same day and the group kept right on dealing. Horne-McCullough played an active and armed role in a group that was detrimental to the community.

II. Horne-McCullough's Character Includes a Positive Work History but an Inexplicable Draw to this Conspiracy

Horne-McCullough, prior to his participation in this offense, had two marijuana offenses as his only criminal history. (PSR ¶¶ 32-33). He also had a solid work history. From December 2013 until November 2017, Horne-McCullough had full-time employment, and from January 2014 to November 2017, that employment was with Chrysler. (PSR ¶¶ 55-56). For unclear reasons, Horne-McCullough ended his legitimate employment at that time. Instead, Horne-

McCullough began participation in this drug conspiracy. It is unclear when Horne-McCullough's music career became as lucrative as it appears to be now, but his successful prior work history and current successful career make this offense all the more frustrating. There are other co-defendants in this case who have never held a job and who have no means to make the extensive earnings that Horne-McCullough has demonstrated the ability to do since this case began.

It is not certain that Horne-McCullough's participation in this offense was easier or more lucrative than working for Chrysler, and whether the decision to enter into this conspiracy was driven by his familial relationship with one of the co-defendants, a desire to attain more street credibility for his nascent music career, or some other reason, but it has had a negative effect on his community and on Horne-McCullough himself.

III. CONCLUSION

A 60 month sentence is statutorily mandated and appropriate for this case.

Respectfully submitted,

MATTHEW SCHNEIDER
United States Attorney

Date: January 1, 2021

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CERTIFICATE OF SERVICE

I hereby certify that on January 1, 2021 the foregoing document was electronically filed by an employee of the United States Attorney's Office with the Clerk of the Court using the ECF system which will send notification of such filing to the following:

Christopher McGrath

s/CHRISTOPHER RAWSTHORNE

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